

### **REMARKS**

Claims 1-17 are all the claims pending in the application. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

#### **Double Patenting**

The Examiner rejected claims 1, 6, 8, 12, 16, and 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of US Patent 6,658,219 to Ito et al. (hereinafter Ito).

In order to expedite prosecution of this application, Applicants have submitted herewith a terminal disclaimer to obviate this double patenting rejection. As noted in *Quad Environmental Technologies*, the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting and raises neither presumption nor estoppel on the merits of the rejection. It is improper to convert this simple expedient of "obviation" into an admission or acquiescence or estoppel on the merits.<sup>1</sup>

#### **Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 2-5, 7, 9-11, and 13-15 would be allowable if rewritten in independent form. Further, because the double patenting rejection has been overcome, claims 1-17 should now be in condition for immediate allowance.

#### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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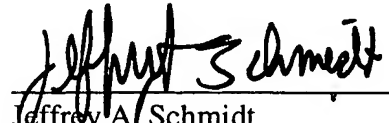
<sup>1</sup> *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ.2d 1392, 1394, 1395 (Fed. Cir. 1991).

Amendment Under 37 C.F.R. § 1.111  
U.S. Appln No. 10/776,186

Atty Dkt No. Q79811

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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